



ITF

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/626,722	
	Filing Date	9/29/2004	
	First Named Inventor	Yasuhiro SHIMADA et al.	
	Group Art Unit	2824	
	Examiner Name	Van Thu T Nguyen	
Total Number of Pages in This Submission		Attorney Docket Number	740819-1015

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction/Election Requirement
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brian C. Oakes, Reg. No. 41,467 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	October 29, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____.	
Date	Signature
	Typed or printed name



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Yasuhiro SHIMADA et al.) Group Art Unit: 2824
Serial No. 10/626,722) Examiner: Van Thu T Nguyen
Filed: 9/29/2004)
For: SEMICONDUCTOR MEMORY AND)
METHOD FOR DRIVING THE SAME)

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 29, 2004, Applicants hereby elect Invention II directed to claims 1-2 and 5-9, drawn to ferroelectric, for prosecution in this application.

Applicants respectfully traverse this restriction requirement. MPEP § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required.

Applicants note that Group I includes claims 1-4 while Group II includes 1, 2 and 5-9. Applicants respectfully submit that both Groups I and II include claims 1 and 2, thus linking the groupings. If the grouping is merely the result of a typographical error, Applicants request that a corrected Restriction Requirement be issued so that Applicants be afforded an ability to respond. Moreover, the Examiner has only identified a total of one subclass for the claimed subject matter, and has thus not shown there would be a serious burden if restriction was not required.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



Brian C. Oakes
Reg. No. 41,467

Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, D. C. 20004
(202) 585-8000